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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,343	04/30/1999	MOHAMED ANISUR RAHMAN	RAHMAN-6	8223
30594	7590	05/26/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			TRAN, PHUC H	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2616	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/303,343

Applicant(s)

RAHMAN, MOHAMED ANISUR

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7, 9-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lev et al. (U.S. Patent No. 5483524).

- With respect to claims 1, 9, 12-15, and 18-20, Lev teaches a method of communicating between a wireless unit (323 in Fig. 3) and a packet data network (301 in Fig. 3), comprising the steps of:

establishing a circuit switched link between the wireless unit and a base station (col. 6, lines 21-23);

sending a setup packet over a circuit switched link between the wireless unit and a base station to establish a data session between the wireless unit and the packet data network (col. 4, lines 33-55, which teaches that the session of initiation between the information source 301 to the data-capable terminal 327);

sending data packets for the data session over a packet switch link between the wireless unit and the packet data network on a wireless resource (col. 5, lines 16-20) that has been

temporarily allocated in response to a request for a wireless resource to send data packet for the data session (e.g. the digital image sends through the Internet is temporarily for reducing the load and the cost to the mobile subscriber).

wherein TCP/IP is used as the transport protocol for the packet data network and the setup packet is a TCP setup packet sent on one or more voice frames over the already established circuit switched link (col. 4, lines 15-17).

- With respect to claim 7, Lev also teaches maintaining the circuit switched link for at least the duration of voices call on the circuit switched link (e.g. the degrading channel detection in col. 5, lines 35-45).

- With respect to claims 10, and 11, Lev teaches wherein the step of sending data packets further includes: sending data packets for the data session on a reverse/forward switched link from the wireless unit to a base station (e.g. col. 3, lines 58-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lev et al. (U.S. Patent No. 5483524) in view of Forslow (U.S. Patent No. 6608832).

- With respect to claims 4-5, and 16-17, Lev discloses all the aspect of the claimed invention as set forth above but fails to teach multiplexing the setup packet with a traffic frame

over the circuit switched link. Forslow discloses the same or similar field of endeavor teaches multiplexing the setup packet with a traffic frame over the circuit switched link (col. 4, lines 56-58; col. 12, lines 11-14). Thus, it would have been obvious to a person ordinary skill in the art at the time of the invention was made to use the multiplexing step as taught by Forslow in the wireless communication network. The multiplexing step can be implemented by placing the multiplexing step at the wireless unit to multiplex the setup packet, the traffic frame and voice frame over the circuit switched link. The motivation for using the multiplexing step of Forslow in the wireless communication network for faster setup and reducing the load for a subscriber.

- With respect to claim 6, Lev also teaches maintaining the circuit switched link for at least the duration of a voice call on the circuit switched link (e.g. the degrading channel in col. 5, lines 35-45).

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Honkasalo et al. (U.S. Patent No. 6219343 B1) discloses rate control techniques for efficient high speed data services.

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- Kennedy, III et al. (U.S. Patent No. 6301480 B1) discloses system and method for communicating using a voice network and a data network.
- Muths et al. (U.S. Patent No. 5963860) discloses method and system for transmitting a data communication from a calling communication unit associated with a wireless communication system to a called communication unit.
- Phillips (U.S. Patent No. 6400712 B1) disclose fast circuit switched data architecture and method.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
May 23, 2006


CHI PHAM
EXAMINER
5/24/06